

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)**

Pursuant to 37 CFR 1.53(b), please file a ☐ continuation/☒ divisional

of the pending prior PATENT APPLICATION of:

Inventor: IBA et al

Serial No. 09/214,465

Filed: January 5, 1999

For: **PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

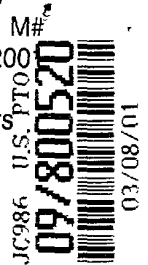
Atty Dkt.: 423-59

C# M#

Date: March 8, 2000

Group: 1636

Examiner: Leffers



This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):
Inventor(s): IBA et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (if any) and abstract (if any). No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☒ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

<u>Application Number</u>	<u>Country</u>	<u>Day/Month/Year/Filed</u>
8-335433	Japan	16/12/96
9-159538	Japan	17/06/97
PCT/JP97/04592	PCT	12/12/97

☐ certified copy(ies) of foreign application(s) attached or

☒ already filed on December 12, 1997 in prior appln. no. PCT/JP97/04592 filed Dec. 12, 1997

☐ already filed in _____ filed _____

☒ The prior application is assigned to Eisai Co..

☒ Power of Attorney has been granted to B. J. Sadoff et al, Reg. No. 36,663 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8th Floor, Arlington, VA 22201.

☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8th Floor, Arlington, VA 22201.

☒ Please amend the specification by inserting before the first line --This is a divisional of application Serial No. 09/214,465, filed January 5, 1999, now pending, the entire content of which is hereby incorporated by reference in this application.--

☐ This application is entitled to "Small entity" status. ☐ "Small entity" statement attached.

☐ Petition filed in prior application to extend its life to insure co-pendency.

☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.

☒ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:

☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.

☒ Also attached: ☒ **Information Disclosure Statement** with PTO-1449; ☐ **Non-Publication Request**; ☐ **Other**:

FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED

Basic Filing Fee		\$	710.00
Total effective claims	2 - 20 (at least 20) = 0	x \$ 18.00	\$ 0.00
Independent claims	1 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)			\$ 0.00
		SUBTOTAL	\$ 710.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$ (0.00)
		SECOND SUBTOTAL	\$ 710.00
Assignment Recording Fee (\$40.00)		\$	0.00
		TOTAL FEE ENCLOSED	\$ 710.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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Facsimile: (703) 816-4100
BJS:eaw

NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: _____

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